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**SEP 29 2005**

**OFFICE OF PETITIONS**

In re Application of  
Gregory A. Kaepp et al.  
Application No. 10/605,341  
Filed: September 23, 2003  
Attorney Docket No. 201-0904CIP-81091467

**ON PETITION**

This is a decision on the petition filed July 19, 2005 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned July 15, 2005 for failure to timely pay the issue fee on or before July 14, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The issue fee in the amount of \$1400, petition fee in the amount of \$1500 and publication fee in the amount of \$300 have been charged to deposit account no. 06-1510.

With respect to the address, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

this application will be mailed solely to the address of record.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



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cc:

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